



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

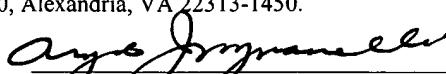
In re Application of: Babisch, et al  
Serial No.: 10/774,048  
Filed: February 5, 2004  
Title: ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS FOR REDUCING INFLAMMATION AND THE TREATMENT OF GASTRIC TOXICITY  
Docket: 068911.0062

**CERTIFICATE OF MAILING**

I certify that this document is being deposited on the date stated below, with the U.S. Postal Service as first class mail under 37 C.F.R. § 1.8 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1/6/05

Date

  
Angelo J. Mignanelli

**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

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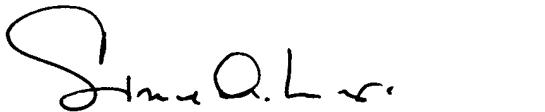
Dear Sir:

Enclosed herewith for filing in connection with the above-identified patent application are the following:

1. Power of Attorney and Correspondence Address Indication Form;
2. Statement under 37 C.F.R. § 3.73(b); and
3. Return Postcard.

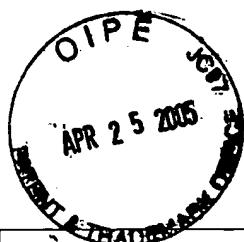
No fees are believed due but the Commissioner is hereby authorized to charge any additional fees, which may be required or credit any overpayment to Deposit Account No. 50-1133.

Respectfully submitted,

  
Simona A. Levi-Minzi, Ph.D.  
Registration No. 43,750  
Attorney for Applicants

McDermott, Will & Emery LLP  
201 South Biscayne Blvd.  
Suite 2200  
Miami, FL 33131  
Telephone: 305.347.6528  
Facsimile: 305.347.6500

Date: 1/6/05



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/774,048
	<b>Filing Date</b>	2/5/04
	<b>First Named Inventor</b>	BABISH, et al.
	<b>Title</b>	ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS FOR REDUCING INFLAMMATION AND THE TREATMENT OF GASTRIC TOXICITY
	<b>Art Unit</b>	1615
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	068911.0062

I hereby appoint:

Practitioners associated with the Customer Number:

**OR**

Practitioner(s) named below:

Name	Registration Number
Simona A. Levi-Minzi, Ph.D.	43,750

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

**OR**

The address associated with Customer Number:

**OR**

<input checked="" type="checkbox"/> Firm or Individual Name	Simona A. Levi-Minzi, Ph.D.				
Address	McDermott Will & Emery LLP				
Address	201 S. Biscayne Boulevard, Suite 2200				
City	Miami	State	FL	Zip	33131
Country	USA				
Telephone	305.347.6528	Fax	305.347.6500		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)*

**SIGNATURE of Applicant or Assignee of Record**

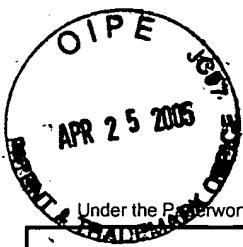
Name	Susan Campbell, Esq.		
Signature	<i>Susan Campbell</i>		
Date	12-3-04	Telephone	949.369.3372

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: JOHN G. BABISH, et al.

Application No./Patent No: 10/774,048 Filed/Issue Date: 2/5/04

ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS FOR REDUCING INFLAMMATION AND  
Entitled: THE TREATMENT OF GASTRIC TOXICITY

METAPROTEOMICS, LLC , a Limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.**OR**B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: JOHN G. BABISH To: METAPROTEOMICS, LLC

The document was recorded in the United States Patent and Trademark Office at  
Reel 014728, Frame 0580, or for which a copy thereof is attached.

2. From: MATTHEW L. TRIPP To: METAPROTEOMICS, LLC

The document was recorded in the United States Patent and Trademark Office at  
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3. From: Jeffrey S. Bland To: METAPROTEOMICS, LLC

The document was recorded in the United States Patent and Trademark Office at  
Reel 014728, Frame 0580, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Susan Campbell

Signature

Susan Campbell, Esq.

Printed or Typed Name

General Counsel

Title

12-3-04

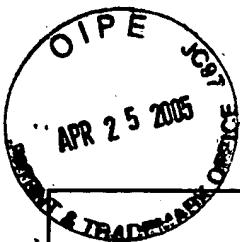
Date

949.369.3372

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: JOHN G. BABISH, et al.

Application No./Patent No: 10/774,048 Filed/Issue Date: 2/5/04

Entitled: ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS FOR REDUCING INFLAMMATION AND  
THE TREATMENT OF GASTRIC TOXICITY

METAPROTEOMICS, LLC, a Limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

**CONTINUATION OF BOX B  
ADDITIONAL INVENTORS**

4. From: Terrence Howell To: METAPROTEOMICS, LLC

The document was recorded in the United States Patent and Trademark Office at  
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5. From: Gary K. Darland To: METAPROTEOMICS, LLC

The document was recorded in the United States Patent and Trademark Office at  
Reel 014728, Frame 0580, or for which a copy thereof is attached.

6. From: Robert H. Lerman To: METAPROTEOMICS, LLC

The document was recorded in the United States Patent and Trademark Office at  
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7. From: Daniel O. Lukaczer To: METAPROTEOMICS, LLC

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JUN 16 2004

**McDERMOTT, WILL & EMERY**

**From:** Name: USPTO ASSIGNMENT DIVISION  
Fax Number:  
Voice Phone: 703-308-9723

**To:** Name: MCDERMOTT, WILL & EMERY LLP  
Company: DEBORAH L. CADENA  
Fax Number: 18585971585  
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MCDERMOTT, WILL & EMERY LLP  
DEBORAH L. CADENA  
4370 LA JOLLA VILLAGE DRIVE, SUITE 700  
SAN DIEGO, CA 92122

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/14/2004

REEL/FRAME: 014728/0580  
NUMBER OF PAGES: 10

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 068911-0062

## ASSIGNEE:

BABISH, JOHN G.

DOC DATE: 05/07/2004

## ASSIGNEE:

TRIPP, MATTHEW L.

DOC DATE: 04/30/2004

## ASSIGNEE:

BLAND, JEFFREY S.

DOC DATE: 05/03/2004

## ASSIGNEE:

HOWELL, TERRENCE

DOC DATE: 05/05/2004

## ASSIGNEE:

DARLAND, GARY K.

DOC DATE: 04/30/2004

## ASSIGNEE:

LERMAN, ROBERT H.

DOC DATE: 05/03/2004



014728/0580 PAGE 2

## ASSIGNOR:

LUKACZER, DANIEL O.

DOC DATE: 04/30/2004

## ASSIGNEE:

METAPROTEOMICS, LLC  
100 AVENIDA LA PATA  
SAN CLEMENTE, CALIFORNIA 92673

SERIAL NUMBER: 10774048

FILING DATE: 02/05/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS FOR REDUCING  
INFLAMMATION AND THE TREATMENT OR PREVENTION OF GASTRIC TOXICITY

JEFFREY OLSEN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

6/14/2004  
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FORM PTO-1595  
(Rev. 10/02)

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Docket No.: 068911-0062

## PATENTS ONLY

To the Honorable Commissioner for Patents and Trademarks: Please record the attached original documents or copy thereto:

1. Name of Conveying Party(ies):  John G. Babish 05-07-04      Matthew L. Tripp 04-30-04 Jeffrey S. Bland 05-03-04      Terrence Howell 05-05-04 Gary K. Darland 04-30-04      Robert H. Lerman 05-03-04 Daniel O. Lukaczer 04-30-04	2. Name and address of receiving party(ies):  Name: METAPROTEOMICS, LLC  Address: 100 Avenida La Pata  San Clemente, CA 92673
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other	
Execution Date: see above	Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application number(s) or patent number(s):  If the document is being filed together with a new application, the execution date of the application is:  A. Patent Application No(s). 10/774,048	
B. Patent No(s).	
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: MCDERMOTT WILL & EMERY LLP Internal Address:  Street Address: 4370 La Jolla Village Drive, Suite 700  City: San Diego      State: CA      Zip: 92122	6. Total number of applications and patents involved:  7. Total fee (37 CFR 3.41) \$40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 502624

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Deborah L. Cadena, Registration No. 44,048

*Deborah L. Cadena*

June 14, 2004

Name and Registration No. of Person Signing

Signature

Date

Total number of pages including cover sheet: 10

OMB No. 0651-0027 (exp. 6/30/2005)

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on Jun 14, 2004.

*Carrie Casey*  
Carrie Casey

CH \$40.00 502624 10774048

ASSIGNMENT

This Assignment is made by John G. Babisch of Brooktondale, New York, Matthew L. Tripp of Gig Harbor, Washington, Jeffrey S. Bland of Fox Island, Washington, Terrence Howell of Lansing, New York, Gary K. Darland of Gig Harbor, Washington, Robert H. Lerman of Gig Harbor, Washington, and Daniel O. Lukaczer of Gig Harbor, Washington, Assignors, to METAPROTEOMICS, LLC, Assignee, having a place of business at 100 Avenida La Pata, San Clemente, California 92673.

WHEREAS, Assignors have invented a new and useful ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS FOR REDUCING INFLAMMATION AND THE TREATMENT OR PREVENTION OF GASTRIC TOXICITY for which an application for United States Letters Patent was filed on February 4, 2004, in the United States Patent and Trademark Office, bearing Serial No. 10/774,048, and identified as Attorney Client-Matter No: 68911-062;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Inventors: Babisch et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 2

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

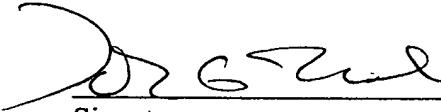
Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventors: Babish et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 3

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: John G. Babish

 5-7-04  
Signature Date

STATE OF New York  
COUNTY OF Tompkins

On 5/7/04, before me, Janice McCracken personally appeared  
John Babish,  personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)

JANICE D. McCRAKEN  
Notary Public, State of New York  
No. 4970806  
Qualified in Chemung County  
Commission Expires 8/20/06

Inventors: Babisch et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 4

Assignor: Matthew L. Tripp

Matthew L. Tripp 4/30/04

Signature

Date

STATE OF Washington  
COUNTY OF Pierce

On 4/30/04, before me, Kathleen M. Sawyer personally appeared  
Matthew L. Tripp, personally known to me - OR - \_\_\_\_ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

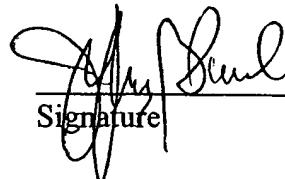
WITNESS by hand and official seal.

Kathleen M. Sawyer  
(Signature of Notary)



Inventors: Babisch et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 5

Assignor: Jeffrey S. Bland



5/3/04

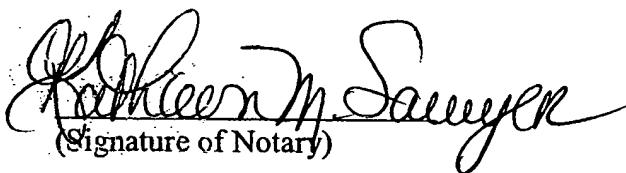
Signature

Date

STATE OF Washington  
COUNTY OF Pierce

On 05/03/04, before me, Kathleen M. Sawyer personally appeared  
Jeffrey Bland,  personally known to me - OR -  proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)



Inventors: Babish et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 6

Assignor: Terrence Howell

Signature

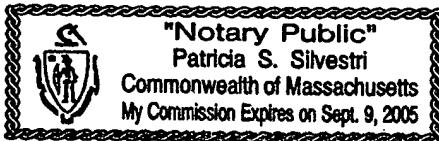
Date

STATE OF Massachusetts  
COUNTY OF Middlesex

On May 5, 04, before me, Patricia Silvestri personally appeared  
Terrence Howell, personally known to me - OR - proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Patricia S. Silvestri  
(Signature of Notary)



Inventors: Babish et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 7

Assignor: Gary K. Darland

Gary Darland  
Signature

30 Apr 04  
Date

STATE OF Washington  
COUNTY OF Pierce

On 4/30/04, before me, Kathleen M. Sawyer personally appeared  
GARY DARLAND,  personally known to me - OR -  proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer  
(Signature of Notary)



Inventors: Babisch et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 8

Assignor: Robert H. Lerman

Robert H. Lerman May 3, 2004

Signature

Date

STATE OF Washington  
COUNTY OF Pierce

On 5/3/04, before me, Kathleen M. Sawyer personally appeared  
Robert Lerman,  personally known to me - OR -  proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s)  are subscribed to the within  
instrument and acknowledged to me that  he/she/they executed the same in  his/her/their  
authorized capacity(ies), and that by  his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer  
(Signature of Notary)



Inventors: Babish et al.  
Serial No.: 10/774,048  
Filed: February 4, 2004  
Page 9

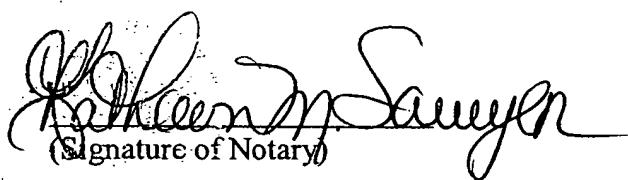
Assignor: Daniel O. Lukaczer

 1/30/04  
Signature Date

STATE OF Washington  
COUNTY OF Pierce

On 1/30/04, before me, KATHLEEN M SAWYER personally appeared  
DANIEL LUKACZER ✓ personally known to me - OR - \_\_\_\_ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)

